DOCUMENT RESUME

ED 180 613 PS 011 093

AUTHOR Bowser, Robert A., Comp.
TITLE Employment of Children.
INSTITUTION Pennsylvania State Dept. of Education, Harrisburg. Bureau of Coordination and Field Liaison.
PUB DATE [79]
NOTE 31p.

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS *Child Labor Legislation; Federal Legislation; Job Application; *Labor Standards; Occupations; *Part Time Jobs; *Program Administration; Safety; School Law; School Responsibility; *Youth Employment
IDENTIFIERS *Pennsylvania

ABSTRACT

This document presents Pennsylvania guidelines for interpreting child labor legislation. In Section I employment certification of minors under the child labor law, the school laws of Pennsylvania, and the federal law are discussed. In Section II the issuing officers responsible for issuing employment certificates are identified, procedures for certificate issuance and the duties of the issuing officer are described. Section III gives regulations concerning occupations declared hazardous for minors. Section IV lists employment certification procedures for general employment, temporary general, and vacation employment. Subsections discuss application procedures, papers to be approved and filed, special performance permits, hours of employment, regulations and prohibited occupations for minors in Pennsylvania. Section V provides guides and regulations for issuing officers. Addresses of U.S. Department of Labor area offices and Pennsylvania Department of Labor and Industry district offices are attached. (Author/RH)

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EMPLOYMENT OF CHILDREN

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EMPLOYMENT OF CHILDREN

I. Employment Certification of Minors

A. Under the Child Labor Law

The employment of minors under 18 years of age in any occupation where work is done for compensation of any kind, to whomever payable, is regulated by the Child Labor Law, except that the act does not apply to children employed on the farm or in domestic service in private homes. All employment certificates shall be issued by public school officials on forms supplied by the secretary of education, Department of Education.

Every minor from the ages of 14 to 17 years inclusive, who is employed or permitted to work as a seasonal farm worker, every employer of such minor, and every school district wherein such minor is so employed, shall be subject to the provisions of the act of May 13, 1915 (P.L. 286, No. 177), known as the "Child Labor Law," and to the provisions of the act of June 23, 1931 (P.L. 923, No. 309, relating to child labor), except that no such minor shall be employed between the hours of 7 a.m. and one hour following the end of the school day or any regular school day of the school district wherein he or she is then a resident, whether or not such minor is registered as a pupil in such school district.

No employer of seasonal farm labor shall discriminate within the purview of his or her activities between workers on the basis of sex by paying wages to workers at a rate less than the rate at which he or she pays wages to workers of the opposite sex for equal work on jobs the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to an established system which measures earnings by quantity or quality of production. The secretary of labor and industry shall have the power, and it shall be his duty to carry out and administer the provisions of this section pursuant to the act of December 17, 1959 (P.L. 1913, No. 694), known as the "Equal Pay Law."

B. Under the School Laws of Pennsylvania

The employment of minors between the ages of 14 years and 16 years, inclusive, on the farm or in domestic service in a private home when the public schools are in session in the school district where such minors reside, is controlled by Section 1330 of the School Laws of Pennsylvania in accordance with regulations as prescribed by the secretary of education (see Section IV F, Regulations--Farm or Domestic Service Permits, in this memorandum).

C. Under the Federal Law

The provisions of the Federal Fair Labor Standards Act of 1938, as amended, apply to employes engaged in or producing goods for interstate commerce, or who are employed by specified types of business enterprises. The child labor provisions of the federal law prohibit oppressive child labor. This includes work done by minors under the age of 18 years contrary to hazardous occupation orders. The act also specifies the hours of work and the types of work permissible at ages 14 and 15.

No employer having employes subject to any provisions of this section shall discriminate, within any establishment in which such employes are employed, between employes on the basis of sex by paying wages to employes in such establishment at a rate less than the rate at which he or she pays wages to employes of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: provided, that an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employe.

II. The Issuing Officer

A. For Minors Who are Residents of Pennsylvania

The issuing official in the school district where such minors reside shall be the district superintendent or the secretary of the school board, in the order named. Any one of these officials may authorize, in writing, any other school official to act in his/her stead for the purpose of issuing such certificates. (Child Labor Law)

B. For Minors Who are Residents of Other States

The issuing official for minors who are residents of other states is the school official in the district where the minor expects to work in Pennsylvania. Preliminary forms from other states may be accepted in lieu of Pennsylvania's preliminary forms for minors wishing to work in Pennsylvania (see Cooperative Agreement in Section C below).

A signed statement by the parent, or guardian, consenting to the issuance of an employment certificate for the work specified on the Promise of Employment, properly countersigned by the issuing officer where they live, may be accepted in lieu of the personal appearance before the Pennsylvania issuing officer.

C. Cooperative Agreement for Employment Certification of New York Minors Applying for Work in Pennsylvania

1. In His/Her Own State

a. The minor fills in an application blank and has it signed by a parent. This application may be taken home for a parent's signature when a minor is applying for nonmanufacturing work. The parent applies in person for manufacturing work for his/her child.

b. The employer fills out and signs the "Pledge of Employment" for nonmanufacturing work (or "Promise of Employment" for manufacturing work).

c. The minor has a physical examination at the center designated by the New York Department of Health and obtains the report signed by examining physician. The minor takes Promise or Pledge of Employment and evidence of age to the examining physician.

d. The New York issuing officer of employment certificates receives the above and signs approval on the Pledge of Employment.

2. Upon Arrival in Pennsylvania

A New York minor applies for a Pennsylvania Employment Certificate by presenting to the issuing officer of the school district where he/she expects to work, the following documents which were signed in New York:

a. Employer's Promise or Pledge of Employment.

b. Application for work signed by parent or guardian.

c. Evidence of age (birth or baptismal certificate or other proof of age).

d. Certificate of Physical Fitness.

3. Issuance of Employment Certificate

The Pennsylvania issuing officer in the school district where the New York State pupil is to be employed will accept the preliminary forms of New York and if all requirements are met, the issuing officer will issue a Pennsylvania General Employment Certificate, DEBE-1097, or a Pennsylvania Vacation Employment Certificate, DEBE-478, whichever is applicable, and mail it to the employer. The "Receipt" portion of the certificate will be completed by the employer and returned to the Pennsylvania issuing officer within five days. On termination of the employment of the minor the employment certificate must be returned

by mail, by the employer, to the issuing official, immediately upon demand of the minor, or within five days after termination of the employment.

D. Duties of the Issuing Officer

1. Receive all requests and issue general employment, vacation employment and age certificates. (Also issue farm and domestic service permits.)

2. Require in each case a birth record to be furnished according to the law, and file the record for reference during the period of the minor's employment or until the minor becomes 21 years of age. (See Section IV C of this memorandum.)

3. Require a Promise of Employment form to be properly completed in every detail for a General Employment or Vacation Employment Certificate.

4. Issue a General Employment Certificate or Vacation Employment Certificate when the Promise of Employment form is complete in every respect and the record of physical examination shows that the minor is eligible for the employment specified by the employer. The employment certificate should be signed by the minor before the issuing official mails it to the employer.

   It shall be the duty of every person who shall employ any minor under 18 years of age to acknowledge, in writing, to the official issuing the same, the receipt of the employment certificate of said minor, within five days after the beginning of such employment. On termination of the employment of a minor under 18 years of age, the employment certificate issued for such minor shall be returned by mail, by the employer, to the official issuing the same, immediately upon demand of the minor for whom the certificate was issued, or, otherwise, within five days after termination of said employment. The official to whom said certificate is so returned shall file said certificate and preserve the same. Any minor whose employment certificate has been returned, as above provided, shall be entitled to a new employment certificate upon presentation of a statement from the prospective employer, as hereinabove provided, accompanied by a certificate of physical fitness, issued in the manner hereinabove provided, and based upon a reexamination of said minor, and certifying that the minor is physically able to undertake the work for which the new employment certificate is to be issued.

5. Section 1. Section 17, Act of May 13, 1915 (P.L. 286, No. 177), known as the "Child Labor Law" is amended to read:

...Eliminates the requirement for minors physical examination on subsequent employment but mandates a physical when a minor 14 years of age or over enters the labor market. (H.B. 959, Act No. 28, April, 1978)

6. File and date the receipt if it is returned by the employer within five days; otherwise, check with employer. File and date the General or Vacation Employment Certificate when the employer returns the certificate following termination of employment.
7. Make periodic follow-ups with all employers of minors and inform them of the requirement to post, and keep posted in a conspicuous place in each room where any minor under 18 years of age is employed, a printed abstract of the Child Labor Law and a schedule of the hours of employment.
8. Issue a new employment certificate to a minor when he or she changes to another occupation upon his or her presentation of a new written Promise of Employment.
9. Be familiar with the Child Labor Law as to the number of hours of work per week and the prohibitive occupations for different age groups.

III. U.S. Department of Labor

There are differences between state and federal laws in age standards, hours of work and occupations declared hazardous for minors 16 and 17 years of age. When employment is subject to both laws, the law with the higher standard must be observed.

A. Area Offices

These instructions have been outlined for the convenience of school officials who have been given the responsibility of carrying out the provisions of the Pennsylvania Child Labor Law as it relates to the issuance of employment certificates. Should it be necessary to obtain information relative to the Federal Wage and Hour Law or the Walsh-Healey Public Contract Act, contact the nearest area office of the United States Department of Labor, Wage and Hour Division, listed on Attachment A of this memorandum.

B. Hazardous Nonagricultural Occupations Order (Federal)

Bulletin 101, A Guide to Child Labor Provisions of the Fair Labor Standards Act, lists all of the occupations that have been declared hazardous for minors under the age of 18 years. Copies of this bulletin may be obtained by writing to the United States Department of Labor, Wage and Hour Division, at the area office shown on the list attached.

Order No.	Occupation
1.	Occupations in or about plants manufacturing or storing explosives or articles containing explosive components.
2.	Occupations of motor vehicle driver and helper.
3.	Coal mine occupations.
4.	Logging occupations and occupations in the operation of any saw mill, lath mill, shingle mill or cooperage-stock mill.
5.	Occupations involved in the operation of power-driven woodworking machines.
6.	Occupations involving exposure to radioactive substances and to ionizing radiations.
7.	Occupations involved in the operation of elevators and other power-driven hoisting apparatus.
8.	Occupations involved in the operation of power-driven metal forming punching and shearing machines.
9.	Occupations in connection with mining, other than coal.
10.	Occupations in slaughtering and meat packing establishments and rendering plants.
11.	Occupations involved in the operation of bakery machines.
12.	Occupations involved in the operation of certain power-driven paper products machines.
13.	Occupations involved in the manufacture of brick, tile and kindred products.
14.	Occupations involved in the operation of power-driven circular saws, band saws and guillotine shears.
15.	Occupations involved in wrecking, demolition and shipbreaking operations.
16.	Occupations involved in roofing operations.
17.	Occupations in excavation operations.

C. Hazardous Agricultrual Occupations Order (Federal)

The following occupations in agriculture have been declared particularly hazardous for children under the age of 16. It does not apply to children employed by their own parents or persons standing in the place of parents, nor to vocational agriculture student-learners.

Order No.	Occupation
1.	Handling or applying anhydrous ammonia, organic arsenic herbicides, organic phosphate pesticides, halogenated hydrocarbon pesticides, or heavy-metal fungicides, including cleaning or decontaminating equipment used in application or mixing of such chemicals.
2.	Handling or using a blasting agent. For the purpose of this subparagraph, the term "blasting agent" shall include explosives such as, but not limited to, dynamite, black powder, sensitized ammonium nitrate, blasting caps and primer cord.
3.	Serving as flagman for aircraft.
4.	Working as:
	a. Driver of a truck or automobile on a public road or highway.
	b. Driver of a bus.
5.	Operating, driving, or riding on a tractor (track or wheel) over 20-belt horsepower, or attaching or detaching an implement or power-take-off unit to or from such tractor while the motor is running.
6.	Operating or riding on a self-unloading bunk feeder wagon, a self-unloading bunk feeder trailer, a self-unloading forage box wagon, a self-unloading forage box trailer, a self-unloading auger wagon, or a self-unloading auger trailer.
7.	Operating or riding on a dump wagon, hoist wagon, fork lift, rotary tiller (except walking type), or power-driven earth-moving equipment or power-driven trenching equipment.
8.	Operating or unclogging a power-driven combine, field baler, hay conditioner, corn picker, forage harvester, or vegetable harvester.
9.	Operating, feeding, or unclogging any of the following machines when power-driven: stationary baler,

thresher, huller, feed grinder, chopper, silo filler, or crop dryer.

10. Feeding materials into or unclogging a roughage blower or auger conveyor.

11. Operating a power-driven post-hole digger or power-driven driver.

12. Operating, adjusting, or cleaning a power-driven saw.

13. Felling, bucking, skidding, loading, or unloading timber with a butt diameter of more than 6 inches.

14. Working from a ladder or scaffold at a height over 20 feet.

15. Working inside a gas-tight type fruit enclosure, gas-tight type grain enclosure or gas-tight type forage enclosure, or inside a silo when a top unloading device is in operating position.

16. Working in a yard, pen, or stall occupied by a dairy bull, boar, or stud horse.

D. Employment Standards for 14 and 15 Year-Olds

Employment of 14 and 15 year-old minors is limited to certain occupations under conditions which do not interfere with their schooling, health or well-being.

E. Hours--Time Standards (Federal Child Labor Law)

Fourteen and 15 year-old minors may not be employed:

1. During school hours, except as provided for in work experience and career exploration programs.

2. Before 7 a.m. or after 7 p.m. except 9 p.m. from June 1 through Labor Day.

3. More than three hours a day on school days.

4. More than 18 hours a week in school weeks.

5. More than eight hours a day on nonschool days.

6. More than 40 hours a week in nonschool weeks.

F. Permitted Occupations for 14 and 15 Year-Old Minors in Retail, Food Service and Gasoline Service Establishments

Fourteen and 15 year-old minors may be employed in:

1. Office and clerical work (including operation of office machines).

2. Cashiering, selling, modeling, art work, work in advertising departments, window trimming and comparative shopping.

3. Price marking and tagging by hand or by machine, assembling orders, packing and shelving.

4. Bagging and carrying out customers' orders.

5. Errand and delivery work by foot, bicycle and public transportation.

6. Cleanup work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers or cutters.

7. Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work, such as, but not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders and coffee grinders.

8. Work in connection with cars and trucks if confined to the following:

   Dispensing gasoline and oil.
   Courtesy service on premises of gasoline service station.
   Car cleaning, washing and polishing.
   Other occupations permitted by this section.

   But not including work:

   Involving the use of pits, racks or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

9. Cleaning vegetables and fruits and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from areas where meat is prepared for sale and outside freezers or meat coolers.

G. In Any Other Place of Employment

Fourteen and 15 year-old minors may be employed in any occupation except the excluded occupations listed below. They may not be employed in:

1. Any manufacturing occupation.

2. Any mining occupation.

3. Processing occupations such as filleting of fish, dressing poultry, cracking nuts or laundering as performed by commercial laundries and dry cleaning (except in a retail, food service or gasoline service establishment in those specific occupations expressly permitted there in accordance with the foregoing list).

4. Occupations requiring the performance of any duties in workrooms or workplaces where goods are manufactured, mined or otherwise processed (except to the extent expressly permitted in retail, food service or gasoline service establishments in accordance with the foregoing list).

5. Public messenger service.

6. Operation or tending of hoisting apparatus or of any power-driven machines (other than office machines and machines in retail, food service and gasoline service establishments which are specified in the foregoing list as machines which such minors may operate in such establishments).

7. Any occupations found and declared to be hazardous.

8. Occupations in connection with:

   a. Transportation of persons or property by rail, highway, air, on water, pipeline or other means.

   b. Warehousing and storage.

   c. Communications and public utilities.

   d. Construction (including repair).

   Exception: Office or sales work in connection with a, b, c and d when not performed on transportation media or at the actual construction site.

9. Any of the following occupations in a retail, food service or gasoline service establishment:

   a. Work performed in or about boiler or engine rooms.

   b. Work in connection with maintenance or repair of the establishment, machines or equipment.

   c. Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes.

d. Cooking (except at soda fountains, lunch counters, snack bars or cafeteria serving counters) and baking.

e. Occupations which involve operation, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters and bakery-type mixers.

f. Work in freezers and meat coolers and all work in preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking when performed in other areas).

g. Loading and unloading goods to and from trucks, railroad cars or conveyors.

h. All occupations in warehouses except office and clerical work.

H. Exceptions--Work Experience and Career Exploration Programs (WECEP)

Some of the provisions of Child Regulation No. 3 are varied for 14 and 15 year olds in approved school-supervised and school-administered work experience and career exploration programs. Enrollees may be employed:

1. During school hours.

2. For as many as three hours on a school day.

3. For as many as 23 hours in a school week.

4. In occupations otherwise prohibited for which a variation has been granted by the administrator of the Wage and Hour Division.

IV. Employment Certification Procedures

A. Forms to be Used

1. General Employment

a. DEBE-57, Promise of General Employment (for minors ages 16 to 18).

b. DEBE-1097, General Employment Certificate (for minors ages 16 to 18 who wish to leave school for full-time employment).

c. Amendment to Child Labor Law (Pennsylvania)

Act 49, signed by the Governor April 25, 1968, and to take effect immediately, adds the following amendment to the Act of May 13, 1915, P.L. 236,

known as the Child Labor Law:

> "Any minor of the age of seventeen years who is a high school graduate or who is declared to have attained his academic potential by the chief administrator of the school district wherein he resides shall, for the purposes of this act, be deemed to be a minor of the age of eighteen years."

This amendment provides that high school graduates and certain minors of the age of 17 shall be treated in the employment market as minors of the age of 18.

Although this act is of particular application to employers, it becomes of concern to school officials in the matter of issuance of employment certificates.

Eighteen year-old minors do not need employment certificates; hence, the 17 year olds specified in the act also do not need employment certificates.

However, school officials will be asked to declare to employers, upon request, whether the 17 year old has (1) graduated from high school, or (2) attained his academic potential. In addition, school officials will be requested to supply proof of age for the 17 year old.

In the first instance, graduation from high school is a matter of record.

The Pennsylvania Department of Education interprets the second also to be a matter of record. In this, school administrators are advised to declare a 17 year old who is no longer on the active school roll as having attained his or her academic potential.

In substance:

(1.) General Employment Certificates are no longer required for those 17 year-old minors who have:

(a.) Graduated from a regularly accredited senior high school,

(b.) Withdrawn from school and are no longer on the active school roll.

(2.) Vacation Employment Certificates will continue to be required for those 17 year-

old pupils who wish to work during the school term at times that will not interfere with their school attendance.

2. Temporary General Employment

a. DEBE-57, Promise of General Employment (for minors ages 16 to 18).

3. Vacation Employment

a. DEBE-168, Promise of Vacation Employment (for minors ages 14 to 18 and male minors ages 12 to 14 employed as caddies).

b. DEBE-478, Vacation Employment Certificate (for minors ages 14 to 18 and minors ages 12 to 14 employed as caddies, except at such times as the minor is required to attend school). Minors under 16 years of age are forbidden employment in connection with any manufacturing or mechanical process.

NOTE: A minor 14 or 15 years of age may be issued a Vacation Employment Certificate to work at times when the public schools are in session in the school where he or she resides, provided that such minor has been properly excluded, or excused from attending school for one of the reasons enumerated below:

(1) Married and excused by school board on form DEBE-480, Application for Farm or Domestic Service in Private Homes (month, day and year).

(2) Expelled and in custody of Juvenile Court (month, day and year).

The reason for the exclusion, or excusal, and the effective date of the same, shall be placed on the Vacation Employment Certificate and on the Promise of Vacation Employment form.

B. Application for Certificate

Application for any type of employment certificate must be made in person by the parent or guardian of the minor seeking employment except that a properly countersigned application shall be acceptable in lieu of personal application of parent, guardian, or custodian for minors who have graduated from accredited senior high schools and show official proof of graduation.

C. Papers to be Approved and Filed

1. Preliminary Forms

The Promise of Vacation Employment, form DEBE-168, and Promise of General Employment, form DEBE-57, are clearly divided into four sections:

Section A: This section must be completed and signed by the issuing officer. It contains a record of the date of birth of the minor, showing the evidence of age accepted, the date of the application, the employment certificate number and the date the employment certificate was issued. Space is also provided to show the date when the certificate is returned by the employer following termination of employment.

Section B: This section of the Promise of Employment must be completed and signed by the employer. The kind of work and the schedule of hours must be specified.

Section C: This section must be signed by the parent or guardian as a statement of agreement to the issuance of a certificate for the employment stipulated.

Section D: Record of Physical Examination. This section of the Promise of Employment form must be signed by the minor and by a licensed physician. The physical examination may be made by:

a. The school physician at no cost to the minor, nor the parent or guardian.

b. The family physician at the expense of the minor, parent or guardian.

c. A physician designated by the employer as a condition of employment, provided such examination is equal to or more comprehensive than the standard examination.

NOTE: All such physicians must meet the definition of the word "physician" as given in Section 1401 of the Public School Code of 1949, as amended.

2. Proof of Age

The official proof of age must be filed by the issuing officer except when such proof of age is an official document or record of the Commonwealth or government of another state or governmental subdivision thereof. It need not be filed if the officer issuing the certificate shall record such information as may be necessary to

enable the document or record to be located at the place where it is filed. When proof of age is other than an official document or record of the Commonwealth or government of another state or governmental subdivision thereof, a photostatic copy thereof may be filed in lieu of the original; provided, however, that such photostatic copy shall be certified to by the officer issuing the employment certificate. The minor shall furnish one of the following proofs of age, which shall be required in the order designated:

a. A birth record from the Vital Statistics Division, Department of Health. AN EFFORT MUST ALWAYS BE MADE TO OBTAIN A COPY OF THE BIRTH CERTIFICATE AND NONE OF THE OPTIONS LISTED BELOW SHALL BE TAKEN UNLESS IT IS IMPOSSIBLE TO OBTAIN A RECORD OF BIRTH FROM THE VITAL STATISTICS DIVISION. In Philadelphia, Pittsburgh, Scranton and Erie a birth record may be obtained from the State Vital Statistics Office. For all other areas application for a birth record must be made to the Vital Statistics Division, Department of Health, P. O. Box 1528, New Castle, PA 16103.

b. A baptismal certificate or transcript of the record of baptism.

c. A passport showing the age of the minor.

d. Any other documentary record of age, other than a school record or an affidavit of age (to be used only when none of the above evidences can be secured).

NOTE: In cases where the birth record submitted appears to have been tampered with, Vital Statistics form HVS-20161, Application for Verification of Certificate, should be completed and submitted to the Vital Statistics Division, Department of Health, New Castle, PA 16103. Copies of this form in limited amounts may be obtained from the Vital Statistics Division for verification of such altered records.

3. Receipt of Employment Certificate

The receipt should be filed with each respective preliminary paper as soon as it is completed and returned by the employer to the issuing officer. The receipt must be returned within five days by the employer certifying that the employment certificate has been received and that the minor began work.

4. Employment Certificate--General and Vacation

If the minor fails to report for work, or if work terminates, the certificate should be returned within

five days to the issuing officer by the employer. The certificate should then be filed with the other corresponding preliminary forms for future reference.

D. Special Performance Permits (Child Labor Law)

Children may be employed in theatrical and other performances at ages and hours not otherwise allowed if a special performance permit is applied for and obtained from the Department of Labor and Industry. The minimum age is 7 years and the following standards must be observed:

1. Appearance in not more than two performances a day or eight per week.

2. No performance after 11:30 p.m.

3. No performance where alcoholic beverages are sold or dispensed.

4. No performance in boxing or wrestling matches, acrobatics or other acts or exhibitions hazardous to safety or well-being.

5. Adequate provision for educational instruction, supervision, health and welfare and the safeguarding of the minor's earnings.

The issuance of special performance permits is the duty of the Bureau of Labor Standards, Department of Labor and Industry, Harrisburg, PA 17120. Copies of the regulations governing the employment of minors in performances are available upon request from the Bureau of Labor Standards.

E. Hours of Employment (Pennsylvania Child Labor Law)

1. Minors 14 and 15 Years Old

a. During the School Term

Maximum four hours on school days, eight hours on any other day and 18 hours per school week, and only at a time that does not interfere with school attendance.

b. During School Vacation

Maximum eight hours per day, 44 hours per week.

c. Night Work

No minor under 16 years of age shall be employed or permitted to work in, about or in connection with, any establishment or in any occupation before

7:00 a.m. or after 7:00 p.m. of any day except during school vacation period from June to Labor Day when such minor may work the hours of 7 a.m. and 10 p.m.

EXCEPTION: Minors over 14 years of age may be employed at distributing or selling newspapers, magazines or other publications between 6 a.m. and 8 p.m.

d. At Any Time

Maximum employment six days per week; a 30-minute meal period is required after five hours of work.

2. Minors 16 and 17 Years Old

a. During the School Term

Maximum 28 hours per school week if enrolled in regular school day.

b. During School Vacations and at Any Time for Minors with General Employment Certificates

Maximum eight hours per day, 44 hours per week.

c. Night Work

No minor under 18 years of age shall be employed or permitted to work in, about or in connection with, any establishment between the hours of 11 p.m. and 6 a.m. if such minor is enrolled in regular day school: provided, that, minors 16 and 17 years of age may be employed until, but not after, 12 midnight on Fridays and Saturdays, and on days preceding a school vacation occurring during the school year, excepting the last day of such vacation period.

d. At Any Time

Maximum employment six days per week; a 30-minute meal period is required after five hours of work.

e. Prorated Student Hours

The following method of prorating the weekly hours of employment permitted for 16 and 17 year-old students during a school week has been approved by the Department of Labor and Industry. For each school vacation day subtracted from a school week, subtract four hours from the 28 hour weekly limit

(the average daily hours of employment on school days for an employed student working eight hours on Saturday and 28 hours a week) and then add eight hours for each such school vacation day. In effect this adds four hours to the 28 hour weekly limit for each school vacation day as follows:

5 school days	0 school vacation day	28 hours
4 school days	1 school vacation day	32 hours
3 school days	2 school vacation days	36 hours
2 school days	3 school vacation days	40 hours
1 school day	4 school vacation days	44 hours

This method of prorating the weekly hours is subject to review and change. This does not affect the legal daily limit of eight hours, applicable to school days and vacation days alike, for minors 16 and 17 years.

F. Regulations--Farm or Domestic Service Permits

1. Issuing Officer

It is suggested that the school board authorize the same person to issue Farm or Domestic Service Permits as provided in Section 9 of the Child Labor Law (see Section II A).

2. Papers to be Approved and Filed

a. For Minors 15 and 16 Years of Age

Application for Farm or Domestic Service Emergency Permit, or Application for Farm or Domestic Service Exemption Permit. This form provides space for obtaining information about the minor and his family.

b. For Minors 14 Years of Age

Application for a Farm or Domestic Service Permit for a Minor 14 Years of Age. This application form is used only when the superintendent of schools recommends approval by the secretary of education for the issuance of a Farm or Domestic Service Permit.

c. Office Record of Age

Follow the same procedures for obtaining the official proof of age as given in Section IV C 2 of this memorandum.

3. Education

a. For Minors 15 and 16 Years of Age

Minors 15 and 16 years of age shall have completed the equivalent of six yearly grades.

b. For Minors 14 Years of Age

Minors 14 years of age shall have completed the equivalent of the highest grade of the elementary school organization prevailing in the public schools of the district of residence.

4. Evidence of Need

Evidence of need should be furnished by the parent or guardian. The evidence should be sufficent to show that the services of such child are needed as a matter of necessity and not merely as a convenience to the parents. UNLESS THE NEED IS ESTABLISHED AS VERY URGENT, THE PERMIT SHOULD BE REFUSED. Information similar to that in Form DEBE-480 is helpful in determining need.

5. Forms to be Used in Connection with Farm or Domestic Service

a. DEBE-480, Farm Work or Domestic Service in Private Homes

(1) Issued when minor is to be excused in case of emergency not to exceed 30 days. The name of the pupil is carried on the active roll and the absence is recorded as "excused."

(2) Issued when a minor is to be excused from school for the remainder of the school year. The name of the pupil is to be withdrawn from the active roll and entered on the inactive roll.

b. DEBE-613, Application for a Farm or Domestic Service Permit for a Minor 14 Years of Age

(1) This application should be completed by the applicant who will certify as to the urgency for requesting excusal of a 14 year-old minor.

(2) An original and two copies should be submitted to the proper superintendent of schools so that he may recommend the kind of permit to be issued--Emergency or Exemption Farm or Domestic Permit.

(3) The superintendent, after placing his signature on the application, will forward two copies of

the appliction to the Department of Education, Division of Educational Administration and Management Services, for review. One copy will then be returned to the superintendent of schools to be forwarded by him to the issuing official so that he may issue the proper permit if approved by the secretary of education.

G. Prohibited Occupations for Minors (Pennsylvania)

Under 18:

1. Boats: Pilot, fireman or engineer on any boat or vessel.

2. Bricks: Working on horizontal or vertical pug mills.

3. Crane operators: Cranes and hoists.

4. Electrical work: All outside and inside electrical wiring.* Installing, removing and testing electric meters.*

5. Elevators: Operators or managers of passenger or freight elevators, or hoisting or lifting machinery.

6. Excavating: Within tunnels or shafts trenches more than four feet in depth.*

7. Explosives: Where explosives are manufactured, handled or stored.

8. Machinery: Cleaning or oiling machinery in motion. Operating or helping to operate the following: Emery wheels,** metal plate bending machine,* mixing machine in bakeries,* punch presses,** wire-stitching machines,* woodworking machinery (power-driven).*

9. Meat grinders: Operation of power-driven food chopping, meat grinding, slicing or processing machines.*

10. Metal industries: Work in rolling mills,* handling bull ladles, about furnaces.

11. Mines: Dangerous occupations.

12. Motion pictures: Projectionist.

13. Paint, acids and poisons: In any capacity in the manufacture of paint, colors, or white-lead, poisonous dyes, compositions using dangerous lead or acids.

14. Pits and quarries: Most occupations.

15. Pool and billiard rooms: Any occupation.

16. Radioactive substances: In all occupations involving exposure to radioactive substances,*** and to ionizing radiation.***

17. Railroads and railways: Call boy, section hand, track repairing, gate-tending.

18. Roofing: All occupations.*

19. Rivets: Heating and passing rivets, except under special conditions.

20. Spray coating: Spray coating.*

21. Slaughtering and meat packing: Most occupations.

22. Tanneries: Tanning process.

23. Welding: Acetylene or electric welding.*

24. Wrecking and demolition: All occupations.

*Except apprentices, student learners and graduates of an approved technical or industrial education curriculum which prepared them for employment in the specific occupation.

**Except apprentices, student learners, laboratory student aides and graduates of an approved vocational technical or industrial education curriculum which prepared them for employment in the specific occupation.

***Except laboratory student aides and graduates of an approved vocational technical or industrial education curriculum which prepared them for employment in the specific occupation.

Under 16:

1. Boats: Working on any boat engaged in transportation of passengers or merchandise.

2. Bowling alleys: In any occupation.

3. Building trades: Heavy work.

4. Coal dredges: Any work on coal dredges.

5. Heating and passing rivets.

6. Manufacturing: Any manufacturing or mechanical process.

7. Mines: Any anthracite or bituminous or any other mine.

8. Railroads: Any steam, electric or other railroad.

9. Scaffolding: On scaffolding.

10. Strikes or lockouts: Unless legally certified to work before strike or lockout.

11. Tobacco: Stripping or assorting tobacco.

12. Tunnels: Work in any tunnel.

13. Highways: May work on sections of the highways that are not open to the public for vehicular travel.

14. Window cleaners.

H. Area Offices

If you need information relative to the Pennsylvania Child Labor Laws, contact the nearest district office of the Bureau of Labor Standards, Pennsylvania Department of Labor and Industry, listed in Attachment B of this memorandum.

V. Helpful Guides and Regulations for Issuing Officers

A. Pennsylvania Department of Labor and Industry, Bureau of Labor Standards, Labor and Industry Building, Harrisburg, PA 17120

1. Child Labor Law.

2. Abstract of Child Labor Law.

3. Regulations Affecting Employment of Minors.

4. Regulations Governing the Employment of Minors in Performances.

B. U.S. Department of Labor

1. Bulletin 101--Child Labor Requirements in Nonagricultural Occupations.

2. Bulletin 102--Child Labor Requirements in the Employment of Minors in Agriculture.

3. Employment of Student-Learners: Title 29, Part 520 pursuant to Section 14 of the Fair Labor Standards Act of 1938, as amended,

4. Special Minimum Wages for Handicapped Workers in Competitive Employment: Title 29, Part 524 of the Code of Federal Regulations.

5. Regulations, Part 519: Employment of Full-time Students at Subminimum Wages.

6. The Fair Labor Standards Act of 1938, as amended; WH Publication 1318, revised August, 1978.

7. Handy Reference Guide to the Fair Labor Standards Act; WH Publication 1282, revised October, 1978.

8. Equal Pay; WH Publication 1320, issued June, 1978.

NOTE: You can get these Department of Labor publications by writing to U. S. Department of Labor, Employment Standards Administration, Wage and Hour Division, or by checking with your area office (attached list).

Attachment

ATTACHMENT A

U.S. DEPARTMENT OF LABOR
Wage and Hour Division

Area Offices

Address	Counties of Jurisdiction		
Federal Building, Room 774 228 Walnut Street Harrisburg, PA 17108	Adams Bedford Berks Blair Centre Cumberland Dauphin	Franklin Fulton Huntingdon Juniata Lancaster Lebanon Mifflin	Montour Northumberland Perry Snyder Union York
William F. Green Federal Building 600 Arch Street, Room 4244 Philadelphia, PA 19106	Bucks Chester	Delaware Montgomery	Philadelphia
Federal Building, Room 702 1000 Liberty Avenue Pittsburgh, PA 15772	Allegheny Armstrong Beaver Butler Cambria Cameron Clarion Clearfield	Crawford Elk Erie Fayette Forest Greene Indiana Jefferson	Lawrence McKean Mercer Somerset Venango Warren Washington Westmoreland
Room 3329, Penn Place 20 North Pennsylvania Avenue Wilkes-Barre, PA 18701	Bradford Carbon Clinton Columbia Lackawanna Lehigh	Luzerne Lycoming Monroe Northampton Pike Potter	Schuylkill Sullivan Susquehanna Tioga Wayne Wyoming

ATTACHMENT B

PENNSYLVANIA DEPARTMENT OF LABOR & INDUSTRY
Bureau of Labor Standards
District Offices

Address	Counties of Jurisdiction		
224 Eighth Street Juniata-Altoona, PA 16601 814-946-0861	Bedford Blair Cameron Cambria	Centre Clearfield Clinton Fulton	Huntingdon Indiana Jefferson Mifflin Somerset Potter
824 Peach Street Third Floor Erie, PA 16501 814-871-4536	Clairon Crawford Elk Erie	Forest McKean Mercer Venango	Warren Butler Lawrence
1404 Labor & Industry Building Harrisburg, PA 17120 717-787-4671	Adams Berks Columbia Cumberland Dauphin Franklin	Lancaster Lebanon Lycoming Montour Northumberland	Perry Schuylkill Snyder Union York Chester
801 Arch Street Fourth Floor Philadelphia, PA 19107 215-238-6938	Delaware ½ Bucks	Montgomery	Philadelphia
1201 State Office Building 300 Liberty Avenue Pittsburgh, PA 15222	Allegheny Armstrong	Beaver Fayette	Greene Washington Westmoreland
Scranton State Office Building Room 408 100 Lackawanna Avenue Scranton, PA 18503 717-961-4577	Bradford ½ Bucks Carbon Lackawanna Wayne	Lehigh Luzerne Monroe Northampton Wyoming	Pike Sullivan Susquehanna Tioga